

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
WESTERN DIVISION

In re: )  
DIOMED, INC., *et al.*, ) Chapter 11  
Debtors. ) Case No. 08-40749 (JBR)  
 ) (Substantively Consolidated)

**NOTICE OF OCCURRENCE OF EFFECTIVE DATE OF  
CHAPTER 11 PLAN OF REORGANIZATION AND OF BAR DATES  
FOR ADMINISTRATIVE EXPENSE AND REJECTION DAMAGES CLAIMS**

**PLEASE TAKE NOTICE** that the Effective Date of the Debtors' Joint Amended Plan of Liquidation Under Chapter 11 of the Bankruptcy Code, dated September 15, 2008 (the "Plan"), as thereafter modified, for the above-mentioned chapter 11 cases occurred on the date hereof. Pursuant to the Plan, on the Effective Date, the Diomed Liquidating Trust is established and Craig Jalbert is appointed Liquidating Trustee.

**PLEASE TAKE FURTHER NOTICE** that the Court has scheduled the following bar dates for filing certain claims, as more fully set forth in the order confirming the Plan (the “Confirmation Order”) [Docket No. 524]:<sup>1</sup>

(i) Any Claim arising from the rejection of an executory contract pursuant to Section 9.3 of the Plan (a “Rejection Claim”) shall be filed with the Bankruptcy Court and served upon the Notice Parties referenced below so as to be received on or before **January 16, 2009**;

(ii) Any Administrative Expense Claim (not including Professional Fee Claims, United States Trustee fees, or the expenses of members of the Committee) incurred on or after March 14, 2008 through the Effective Date shall be filed with the Bankruptcy Court and served

<sup>1</sup> To the extent that there is any inconsistency between this Notice and the Confirmation Order, the terms of the Confirmation Order shall govern. Any capitalized term used herein and not otherwise defined shall have the meaning ascribed to it in the Plan.

upon the Notice Parties referenced below so as to be received on or before **January 16, 2009**; and

(iii) All parties asserting Professional Fee Claims for services rendered or reimbursement of expenses incurred on or after March 14, 2008 through the Effective Date shall be filed with the Bankruptcy Court and served upon the Notice Parties referenced below so as to be received on or before **January 16, 2009**.

To the extent that any such Rejection Claims, Administrative Expense Claims or Professional Fee Claims are not filed on or before the applicable deadlines, such Claims shall be disallowed in their entirety, forever barred and considered null and void.

The Notice Parties are:

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Dated: December 24, 2008

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*Counsel to the Liquidating Trustee of the  
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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
WESTERN DIVISION**

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In re ) Chapter 11  
 )  
DIOMED, INC., *et al.*, ) Case No. 08-40749 (JBR)  
 ) (Substantively Consolidated)  
 )  
Debtors. )  
 )  
 )

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**CERTIFICATE OF SERVICE**

I, Vanessa V. Peck, hereby certify that on this 24<sup>th</sup> day of December, 2008, I caused to be served a copy of the *Notice of Occurrence of Effective Date of Chapter 11 Plan of Reorganization and of Bar Dates for Administrative Expense and Rejection Damages* on the parties set forth on the attached Service List via first-class mail, postage prepaid, as indicated.

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